

AMENDED IN SENATE MAY 26, 2006

AMENDED IN SENATE MARCH 27, 2006

**SENATE BILL**

**No. 1428**

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**Introduced by Senator Scott**

February 22, 2006

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An act to add Section 679 to the Unemployment Insurance Code, relating to unemployment insurance.

LEGISLATIVE COUNSEL'S DIGEST

SB 1428, as amended, Scott. Unemployment compensation: employer: motion picture industry.

Existing law requires that the determination of the employer-employee relationship be made pursuant to common-law principles, with specified exceptions. Existing law provides that when an individual or entity contracts to supply an employee to perform services for a customer or client, and is a leasing employer or a temporary services employer, as defined, the individual or entity is the employer of the employee who performs the services, provided that certain requirements are satisfied.

This bill would provide that, notwithstanding those provisions, any employing unit that has control of the payment of wages, as specified, to a worker performing services in the motion picture industry, as defined, shall be treated as an employer of that worker.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 679 is added to the Unemployment Insurance Code, to read:

679. (a) Notwithstanding Sections 606.5 and 621, for purposes of this code, “employer” ~~also~~ means any employing unit that has control of the payment of wages, as described in Section 3401(d)(1) of the Internal Revenue Code, to a worker in the motion picture industry, and the worker shall be treated as the employee of that employer.

(b) For purposes of this section, the “motion picture industry” means any industry, business, or establishment operated for the ~~purpose of motion picture or television film production, or primarily allied with theatrical or television, motion picture productions, including, but not limited to, motion pictures for entertainment, commercial, religious, or educational purposes, whether made by film, tape, or otherwise.~~ *purpose of motion picture or television film production.*